

REMARKS

Amendments to the Specification

The examiner required correction of the disclosure to provide proper antecedent support for the claimed subject matter in relation to the range of angles for the sides of the spacing furs. The disclosure has accordingly been amended at paragraph [0041].

The examiner also required correction to delete a redundant period at paragraph [0038]. The paragraph has accordingly been amended.

Claim informalities

The examiner required amendment of claim 1, line 20 to add --the—before “tip”. The correction has been made.

The examiner required clarification of which longitudinal strands (primary or secondary) were referred to in claims 7 and 12. The claims have been amended to expressly refer to both primary and secondary longitudinal strands.

The examiner considered claim 18 to be indefinite in the use of the term “can be”. The applicant points out that the term only appeared in the preamble of the claim stating the objective of the method. Nonetheless, the claim has been amended to use the term “adapted to”.

Claim Rejections

The examiner rejected claims 1 and its dependent claims 7, 12 & 13 under 35 U.S.C. 102(b) on the basis of Jaenson. Reconsideration is respectfully solicited in view of the comments below.

Jaenson describes a welded wire lath product comprising a plurality of vertical parallel wires 48 (which the examiner corresponds to the “transverse strands” of claim 1) and a plurality of spaced parallel horizontal wires 50 (which the examiner corresponds to the “longitudinal strands” of claim 1). Strands 48 and 50 lie substantially in the principal plane of the Jaenson product. Furring crimps 52 are provided at spaced intervals along strands 48. As best seen in Fig. 3, Jaenson further discloses horizontal strands 56 at the apices of the crimps 52.

At column 7 lines 20 to 45, Jaenson describes the provision of a pair of horizontal strands 60, 62 at the top horizontal strand course of a sheet of lathing into which fasteners are attached to line up the lathing against the studs. It is apparent that the pair of horizontal strands of Jaenson are found only at the top horizontal course of the sheet of lathing and not at spaced intervals as recited in claim 1.

As best appreciated by reference to Jaenson’s Fig. 4a, strands 56 also lie in a different plane than the primary plane in which strands 48 and 50 otherwise substantially lie. The same applies to strands 60, 62 which the examiner refers to as defining the slots recited in claim 1.

Claim 1 of the present application expressly specifies that the plurality of secondary longitudinal strands (those defining a plurality of longitudinal slots) are “also substantially placed in said first plane”. The first plane is otherwise defined as the plane in which the parallel transverse strands and the parallel primary longitudinal strands are substantially located and in which they intersect. This is clearly different from the

Jaenson arrangement in which case they are not in the primary plane in which the transverse and longitudinal strands intersect and in which they are substantially located.

This distinguishing feature of the present invention also has a clear impact on the rollability of the lath. Jaenson's lath cannot be rolled effectively, or at all, as he provides longitudinal strands in 2 planes that are spaced apart but are otherwise bound together. This forms an effective truss arrangement which would be ripped apart if one were to attempt to roll the lath. By providing the slot-forming longitudinal strands in the same primary plane of the product, the present invention allows the product to be effectively rolled.

For the foregoing reasons, it is respectfully submitted that claim 1 does patentably distinguish over Jaenson.

The examiner rejected claim 3 pursuant to 35 U.S.C. 103(a), stating that Jaenson discloses that his material is flexible. However, the flexible support material referred to in Jaenson refers to the paper backing described by Jaenson and is distinct from the metal fabric or mesh (the lath) which is also described by Jaenson. Jaenson does not state that the metal fabric or mesh (as opposed to the paper backing) is flexible.

In any event even if Jaenson had described the lath as flexible, it would not necessarily imply rollability. In fact, as pointed out above, the presence of longitudinal wires in two spaced apart planes that are otherwise bound together actually prevents rolling of the product.

In view of the foregoing, it is respectfully submitted that claim 1 is not anticipated by Jaenson, nor does Jaenson provide any teaching leading to the present invention.

Claim 15 and method claim 18 also substantially incorporate the limitations of claim 1, including that the secondary longitudinal strands be “also substantially placed in said first plane”.

In the circumstances, it is respectfully submitted that all of the claims of the application patentability distinguish over Jaenson.

Notwithstanding the foregoing, the applicant submits the following further comments in relation to certain of the dependent claims.

In relation to claims 8, 9 & 17, the examiner stated that the applicant has not shown any criticality for a shaped cross-section of strand over a flattened cross-section shape strand. Claim 8 and 17 recite longitudinal strands having a flattened cross-sectional profile while claim 9 claims the flattened cross-sectional profile in addition to certain dimensional parameters. Having a flattened cross-sectional profile better adapts the lath to being rolled relatively tightly. A flattened cross-sectional profile also provides less shape memory which might otherwise tend to impede the unrolling of a roll of lath. Flat cross-sectional longitudinal wires also act to distribute the contact area between the flattened wire and backing material such (such as paper) as well as to promote better adherence of the stucco to the lath. It is respectfully submitted that these advantages are not taught, suggested or indicated by Jaenson.

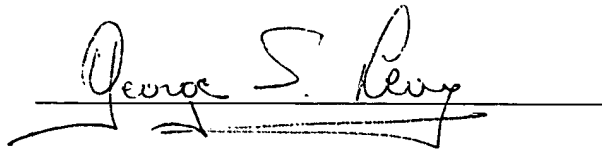
In relation to claims 10 and 11, the examiner indicated that the selection of an angle of inclination would be obvious as a matter of design choice. But in the context of the present invention, the choice is not merely one of design. By providing too shallow an angle, a relatively larger proportion of the furr would be near the surface of the stucco and would therefore present less embedment. On the other hand, using too acute an angle would result in the use of more wire. The inventors have found that the range of

20 to 50 degrees and preferably approximately 45 degrees or less provides both proper embedment of the majority of the wire forming the furr and economical use of material.

For all of the foregoing reasons, the applicant respectfully submits that the claims are now in condition for allowance.

Date: October 25, 2004

Respectfully submitted,

A handwritten signature in cursive script, reading "George S. Revy", is written over a horizontal line. The signature is fluid and stylized, with a long horizontal stroke at the end.

Agent
~~Attorney~~ for the Applicant

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